

EXHIBIT

Deposition of H.H. Roberts

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION

DAVID DAVIS,

Plaintiff,

vs.

CASE NO. 3:06-CV-0054-VPM

CITY OF PHENIX CITY, ALABAMA,

et al.,

Defendants.

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DEPOSITION OF H.H. ROBERTS, taken pursuant to stipulation and agreement before Shannon M. Williams, Certified Court Reporter and Commissioner for the State of Alabama at Large, in the offices of City Hall, 601 12th Street, Phenix City, Alabama, on Wednesday, April 4, 2007, commencing at approximately 12:37 p.m. EST.

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1 APPEARANCES

2 FOR THE PLAINTIFF:

3 THOMAS A. WOODLEY
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6 FOR THE DEFENDANTS:

7 JAMES P. GRAHAM, JR.
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8 P.O. Box 3380
9 Phenix City, Alabama 36868-3380

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11 McKoon & Thomas
925 Broad Street
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12 Phenix City, Alabama 36868-3220

13 ALSO PRESENT:

14 David Davis
15 Wallace Hunter

STIPULATIONS

2 It is hereby stipulated and agreed by and
3 between counsel representing the parties that the
4 deposition of H.H. ROBERTS is taken pursuant to the
5 Federal Rules of Civil Procedure and that said
6 deposition may be taken before Shannon M. Williams,
7 Certified Court Reporter and Commissioner for the
8 State of Alabama at Large, without the formality of
9 a commission; that objections to questions other
10 than objections as to the form of the questions need
11 not be made at this time but may be reserved for a
12 ruling at such time as the deposition may be offered
13 in evidence or used for any other purpose as
14 provided for by the Federal Rules of Civil
15 Procedure.

16 It is further stipulated and agreed by and
17 between counsel representing the parties in this
18 case that said deposition may be introduced at the
19 trial of this case or used in any manner by either
20 party hereto provided for by the Federal Rules of
21 Civil Procedure.

* * * * *

1 H.H. ROBERTS

2 The witness, having first been duly sworn
3 or affirmed to speak the truth, the whole truth and
4 nothing but the truth, testified as follows:

5 THE REPORTER: Usual stipulations?

6 MR. GRAHAM: We do want to read and sign.

7 EXAMINATION

8 BY MR. WOODLEY:

9 Q. Could you state your full name for the
10 record, please?

11 A. Herbert Hayes Roberts.

12 Q. Mr. Roberts, I know you've been sitting in
13 on the two depositions that we had earlier this
14 morning, correct?

15 A. That's correct.

16 Q. But for the record of your deposition, I
17 want a couple things to be clear. First of all, my
18 name is Tom Woodley, and I'm one of the plaintiff's
19 attorneys representing David Davis in this lawsuit.
20 You understand that?

21 A. I do.

22 Q. Okay. Have you ever had your deposition
23 taken before in a previous case?

24 A. I have.

25 Q. Is that more than one previous case?

1 A. Yes, sir.

2 Q. How many? Ten?

3 A. I have been with the city 34 years. I'm ex
4 law enforcement and I've had several depositions.

5 Q. In light of that experience, I take it
6 you're familiar with the procedures we'll be
7 following in this deposition?

8 A. Yes, sir.

9 Q. And have you had an opportunity before
10 today to discuss with the city attorneys the nature
11 of this lawsuit and the issues that are involved?

12 A. I have.

13 Q. Well, again, I'll be asking you a number of
14 questions, and we expect you to give the best
15 answers that you're able to give. You understand
16 that?

17 A. Yes, sir.

18 Q. And everything that you and I say will be
19 taken down by this court reporter.

20 A. Yes, sir.

21 Q. And she will put it in a transcript form,
22 and we should have that available perhaps as early
23 as next week. Do you understand that?

24 A. I understand that.

25 Q. If at any time you don't hear or understand

1 one of my questions, stop me right away and I'll be
2 glad to repeat or rephrase that question. Do you
3 understand that?

4 A. Yes, sir.

5 Q. And, of course, most importantly, you are
6 under oath, sworn to tell the truth under the
7 penalty of perjury. Do you understand that,
8 Mr. Roberts?

9 A. I understand that fully, sir.

10 Q. All right. Let's get into it. What is
11 your current position that you hold with the city?

12 A. City manager.

13 Q. And how long have you held the position of
14 city manager?

15 A. I was first appointed in 2002. Latter part
16 of 2001, excuse me -- 2002 -- five years.

17 Q. Were you appointed by the city council?

18 A. Yes, sir, I was.

19 Q. Okay. And did you work for the city in
20 another capacity before that?

21 A. I did.

22 Q. What was that?

23 A. I was assistant city manager as well as
24 director of code enforcement.

25 Q. How long did you hold that job?

1 A. Since 1973 as an enforcement guy, and as
2 assistant city manager since 1998 -- or '96, excuse
3 me.

4 Q. In your job as a city manager, what are
5 your basic duties and responsibilities?

6 A. The basic day-to-day operations of the
7 city.

8 Q. Okay. Let me invite your attention to a
9 binder of exhibits which you have in front of you,
10 Mr. Roberts, and Mr. Graham also has a full set of
11 these exhibits available to him. And Exhibit
12 Number 8 is the charter of the City of Phenix City;
13 is that right?

14 A. That's correct.

15 Q. Okay. I take it you're pretty familiar
16 with the provisions of this city charter?

17 A. Fairly familiar, yes, sir.

18 Q. And, as I understand it, the city council
19 consists of five members; is that true?

20 A. That's correct.

21 Q. And one of those members is the mayor of
22 the city?

23 A. That's correct.

24 Q. And those are elected positions?

25 A. Yes, sir.

1 Q. Okay. If you could turn to Section 4 of
2 the city code which deals with the powers and duties
3 of the city manager. And I take it it's true that
4 you're familiar with those provisions of the charter
5 as well?

6 A. I am, sir.

7 Q. And is it accurate to say that you, as the
8 city manager, are the head of the administrative
9 branch of the city government?

10 A. Yes, sir.

11 Q. And you're accountable and responsible to
12 the city council?

13 A. Yes, sir.

14 Q. Are you accountable or responsible in any
15 way to the city's mayor?

16 A. Not as a whole, no, sir.

17 Q. And when you say not as a whole, what do
18 you mean by that?

19 A. I work for the entire city council. I
20 answer to all of them equally.

21 Q. And under the city code, particularly
22 Section 4, you are responsible as the city manager
23 to enforce the laws and ordinances?

24 A. I am.

25 Q. And do you have the authority to appoint

1 officers and employees of the city?

2 A. I do.

3 Q. And when it says appoint, does that mean
4 hire?

5 A. The appointed -- you appoint your division
6 heads and, of course, your department heads, which
7 is different from your Merit System employees. I
8 appoint those.

9 Q. What about a person that wants to be hired
10 in the city fire department? Who has that hiring
11 authority?

12 A. I would ultimately okay it. That's given
13 down to each of the chiefs or department heads.

14 Q. Okay. So if Fire Chief Hunter wants to
15 hire a person in the fire department, he sends that
16 up to you, you approve it, and then he's authorized
17 to hire?

18 A. Let me explain that to a great degree.

19 Q. Sure.

20 A. Once they have went through that process of
21 testing, the chief or any department head will hire
22 their own employee. I try not to get involved in
23 the hiring of the day-to-day everyday employees.
24 That's between the personnel director, the personnel
25 department, and the various departments. I do

1 approve or hire all department heads or appointed
2 division chiefs.

3 Q. All right. What about with regard to a
4 possible termination or discharge of an employee in
5 the fire department? What's your role in that?

6 A. The Merit -- the charter, of course, says
7 that I'm responsible for all hires and terminations,
8 as you are well aware. However, there is a section
9 where I can delegate that hiring and terminations to
10 the department heads, of which I have done. I let
11 the department heads manage their own affairs within
12 the department.

13 The reasons for that is probably two-fold.
14 Number one, if there's an appeal process that's
15 going to take place, the ultimate decision is going
16 to come back to me, and then that's when I really
17 try to get more involved during the normal course of
18 any termination or any disciplinary action.

19 Q. And specifically with regard to the
20 plaintiff, David Davis, in this case, were you the
21 ultimate decision maker on his termination of
22 employment?

23 A. I was the ultimate decision maker.

24 Q. Okay. You want to add something?

25 A. No, that's good.

1 Q. I'm sure we'll cover that again, so if you
2 have another thought, you'll have a chance to
3 express it.

4 Then going on to Section 9 of the city charter
5 which, in part, addresses the removal of officers
6 and employees. Does that Section 9.01 also give you
7 the authority, as the city manager, to remove
8 employees of the city?

9 A. Yes, sir, it does.

10 Q. Okay.

11 A. It will also say subject to the approval of
12 such -- if you have a Civil Service board, which we
13 do not. We have a Merit System. We have a
14 Personnel Review Board that would review any of the
15 classified workers, which is anything other than the
16 department heads or the division chiefs.

17 Q. What's your understanding as the difference
18 between a Civil Service commission or board and a
19 Personnel Board that sits here?

20 A. Usually a Civil Service board is what we
21 had when we was under the old commission form of
22 government, three-man, and usually it dealt
23 specifically with usually police and fire in our
24 instances as a three-man commission form of
25 government.

1 When we changed forms of government and became
2 under a council/manager form of government, we had
3 no protection or anything as far as our other
4 employees were concerned, and we chose to go -- or
5 the council at the time chose to go to a Merit
6 System which covered everyone and we did away with
7 the Civil Service board.

8 Q. Okay. Under the current system and the
9 system that applied to Mr. Davis's termination, it
10 was a Personnel Board procedure; is that correct?

11 A. It was an appeal to the Personnel Review
12 Board, and they made the decision, and I upheld the
13 decision.

14 Q. Just so I understand the process,
15 Mr. Davis, for example, a firefighter employed in
16 the city's fire department, was terminated. Then he
17 had the right to appeal that decision to the
18 Personnel Board, correct?

19 A. That's correct.

20 Q. And he, in fact, did that --

21 A. He did.

22 Q. -- correct? And then after that decision
23 of the Personnel Board, it goes to your desk as a
24 city manager to make the final decision on the
25 termination such as in the case of Mr. Davis?

1 A. That's correct.

2 Q. And when that decision involving Mr. Davis
3 came from the Personnel Board to you, did you have
4 the authority to approve the decision of the board
5 or disapprove as well?

6 A. I could have overruled the board or I could
7 have approved the board. In this case, I listened
8 to the case. I went along with the board's reading
9 and followed their advice.

10 Q. The board's decision, does that come as a
11 recommendation to you?

12 A. Yes, sir, it does.

13 Q. So it's not a decision as such; it's a
14 recommendation to the city manager?

15 A. It's a recommendation to me that I can
16 either accept or deny. If I deny, then, of course,
17 it would go before the full council for a hearing.

18 Q. But if you approve the Personnel Board's
19 recommendation as you did in the Davis case, that's
20 the end of the matter?

21 A. Yes, sir, it is.

22 Q. So Mr. Davis did not have the opportunity
23 or the right to go to the city council to appeal his
24 termination?

25 A. That's correct, sir. When I say that's the

1 end of it, of course, you know, the civil process.

2 Q. What do you mean civil process?

3 A. Court procedures.

4 Q. Which is where we find ourselves.

5 A. Unfortunately.

6 Q. Does the mayor play any role in the
7 termination of city employees?

8 A. No, sir, he does not, unless it's a city
9 manager. I know of no one since '77 since we've
10 been under this form which has not followed a
11 recommendation of the Personnel Review Board. That
12 would be the only way -- and I'm not going to say
13 mayor, but that would be the only way a council
14 would be involved in a termination --

15 Q. Okay.

16 A. -- or suspension. It could be either/or.

17 MR. GRAHAM: Let's go off the record a
18 minute.

19 MR. WOODLEY: Sure.

20 (Discussion held off the record.)

21 MR. WOODLEY: Back on the record.

22 Q. In the particular case of Mr. Davis and his
23 termination -- and we've already covered the ground
24 of what the Personnel Board did, and you upheld that
25 recommendation -- what would have happened, if

1 anything, if a couple of the city council members
2 wanted to take up the termination of Mr. Davis?
3 Would they have the authority under the city charter
4 or any other law to take up that matter?

5 A. My understanding is that they do not.

6 Q. Okay. And the mayor himself, as mayor,
7 doesn't have the authority to overrule your decision
8 upholding the termination of Mr. Davis, does he?

9 A. No, sir, he does not.

10 Q. Okay. Now, let me ask you -- we have an
11 exhibit if you want to refer to it; it happens to be
12 Exhibit 4 -- there is an Alabama State Code
13 provision that gives firefighters in the State of
14 Alabama the right to belong to a labor organization
15 or to choose not to belong to a labor organization.
16 Are you aware of that?

17 A. I am aware of that.

18 Q. Are you aware that that same Alabama State
19 Code provision gives firefighters the right, through
20 their representatives such as a labor organization,
21 to make proposals to their employers concerning
22 salaries and other conditions of employment?

23 A. I'm very much aware of that.

24 Q. Okay. And are you aware that that same
25 Alabama State Code provision prohibits a person from

1 discharging or discriminating against any
2 firefighter when he or she may exercise the rights
3 to belong to or lead a local labor association or to
4 make proposals?

5 A. Yes, sir. I understand that.

6 Q. And how long have you understood that
7 roughly?

8 A. I have been a IBEW member since I was 19
9 years old.

10 Q. Are you still an IBEW member?

11 A. No, sir. I've had my 30 years.

12 Q. Thirty years? Did you work as an
13 electrician?

14 A. Yes, sir. I'm a master electrician.

15 Q. Are you still working as an electrician?

16 A. I have my state license, yes, sir, but I'm
17 not allowed to do any side work.

18 Q. Have you ever been a member of another
19 union before?

20 A. No, sir.

21 Q. Are you aware that the firefighters here
22 employed by the City of Phenix City have their own
23 labor organization?

24 A. I am.

25 Q. Do you know how long that has existed?

1 A. They have had a local here for quite
2 awhile. I don't know the exact number of years, but
3 they've had a local for quite awhile.

4 Q. Are you aware that the police employed by
5 the City of Phenix City also have an association?

6 A. I've been a member of the FOP, sir.

7 Q. You've been a member of the FOP?

8 A. Yes, sir.

9 Q. Because you worked in the police
10 department?

11 A. Yes, sir.

12 Q. Are you still a member of the FOP?

13 A. No, sir, not since I moved up here. I
14 still hold my law enforcement certification due to
15 retirement purposes with the state, but I -- in a
16 management level, I felt that would be
17 inappropriate.

18 Q. In your last three years, I think it was,
19 as city manager here in the city, have you had
20 occasions to meet with leaders or members of the
21 FOP --

22 A. I have -- go ahead. Excuse me. I'm
23 sorry.

24 Q. -- meet with leaders or members of the
25 FOP?

1 A. I have daily contact with some of the FOP
2 members. I have not met with them. I have, since I
3 have been back, met with some of the International
4 Association of Firefighters.

5 Q. Okay. Has the FOP ever made any proposals
6 to you, as the city manager, concerning the salaries
7 or working conditions of police officers?

8 A. No, sir.

9 Q. Has the International Association of
10 Firefighters or the local affiliate here in Phenix
11 City ever made any proposals to you concerning
12 firefighter salaries or employment conditions?

13 A. Yes, sir.

14 Q. As I understand it, Mr. Roberts, the fire
15 chief here in the city reports and is accountable to
16 you as the city manager; is that correct?

17 A. Yes, sir.

18 Q. Does the fire chief have the right, if he
19 wanted to, to bypass you as the city manager and
20 address the city council on issues that he may
21 consider important in the fire department?

22 A. I'm going to answer this in this way. I
23 would hope that he wouldn't bypass me. In a
24 paramilitary organization, you certainly don't want
25 someone subordinate going around you. I have never

1 had that to happen under our tenure. They're given
2 a chance -- the department heads are given a chance
3 to express their budget shortfalls -- or any
4 department head, not just the fire department -- at
5 proper times.

6 I would also like to add that if there's any
7 problem within any of the departments, I would hope
8 that I would go or either follow the proper
9 procedure to look into what their complaint is or
10 their shortcomings may be.

11 Q. What would happen if Fire Chief Hunter next
12 month did not discuss an issue with you first but
13 went directly to a city council meeting about a fire
14 department operations issue and spoke to the city
15 council? Would he be subject to discipline or
16 charged with violating the charter of the city or
17 the Merit System --

18 A. Well --

19 Q. -- let me finish -- or the Merit System
20 regulations?

21 A. Number one, the fire chief and division
22 chiefs are not covered under the Merit System, by
23 Attorney General opinion and, also, you know,
24 they're an at will employee. They work strictly for
25 me.

1 I would hope that I would not have a department
2 head to do that. If he did, then I would probably
3 take the appropriate actions probably according to
4 what he discussed with them or something of that
5 magnitude.

6 Q. When you say appropriate action, what would
7 be the range of actions that you could take?

8 A. You know, it could come down to a
9 counseling or maybe a termination. It's -- you
10 know, that's hypothetical.

11 Q. And what is it that might be violated if
12 the chief went directly to the council on an issue
13 affecting the fire department? Is it a charter code
14 provision or is there something else in writing?

15 A. No, sir, it's not. No, it's not.

16 Q. Under the Merit System rules and
17 regulations, are disciplinary actions such as
18 dismissals from employment subject to review as
19 grievances?

20 A. I would have to look at -- there are
21 certain ways that we have to do a grievance. I
22 really need to read the exact procedures that goes
23 in. Some may be a grievance that's going on within
24 the city that I would act on myself rather than a
25 Personnel Review Board hearing. Usually anything

1 that does a disciplinary action should go before the
2 Personnel Review Board unless it's -- maybe they've
3 got a grievance that they had a oral reprimand or
4 something of that nature, then I might get a
5 grievance like that.

6 Q. Let me invite your attention to Exhibit 3,
7 which appears to be excerpts from the city's Merit
8 System's rules and regulations. Section 15.02 says
9 as follows: Quote, disciplinary actions,

10 dismissals, demotions, suspensions, fines,
11 reductions in pay, position classifications, and
12 allocations shall not be subject to review as
13 grievances, end quote. Do you see where it says
14 that?

15 A. I do.

16 Q. Is that an accurate statement?

17 A. It is. It is.

18 Q. So in the case of Mr. Davis and his
19 dismissal, he would not have been able to file any
20 kind of a grievance seeking review, would he?

21 A. To me, no.

22 Q. But to the Personnel Board yes?

23 A. That's correct.

24 Q. Is that considered a grievance or an
25 appeal? Maybe I'm being too technical.

1 A. I would think it would be an appeal rather
2 than a grievance. An appeal of decision of the
3 department head.

4 Q. Okay. All right. Mr. Roberts, with regard
5 to David Davis, are you aware that he worked for
6 about eight years in the Phenix City Fire
7 Department?

8 A. I am.

9 Q. And are you aware that he was first
10 employed in April of 1998 in the city fire
11 department?

12 A. I know the approximate hire date.

13 Q. And are you aware that Mr. Davis was
14 eventually promoted to the rank of sergeant in the
15 city fire department?

16 A. I am.

17 Q. As city manager, do you have the authority
18 or responsibility to review proposed promotions like
19 in the fire department?

20 A. I do. But as I stated earlier, that's
21 pretty much left up to the department heads or
22 chiefs. I don't get into the business of promotions
23 or anything like that within their areas of
24 responsibility.

25 Q. Do you get into employment evaluations of

1 their job performance like a firefighter in the city
2 fire department?

3 A. I will sign the total evaluation, the
4 yearly evaluations. But if you're asking me do I
5 read each and every one of them, no, sir, I do not.
6 I think that again is, of course, the first line
7 supervisor, the district chief -- or, in this case,
8 the chief. It's according to how they've got it set
9 up on who evaluates who and what -- in the rank
10 structure.

11 Q. I'm sorry. Did you say you would sign the
12 evaluations?

13 A. I think at the bottom of the evaluation
14 form, there's a signature block that I sign and I
15 think that's primarily for pay purposes anyway. But
16 I sign a lot of them every year, it appears.

17 Q. Let me show you -- I guess we can identify
18 this as Exhibit 34. And I don't have it in the
19 binder, sir, because I just got it this morning, at
20 least an additional copy. And this appears to be a
21 Performance Appraisal by the city fire department of
22 David Davis for the evaluation year 2003 to 2004.
23 And it does look like you have -- well, no, I don't
24 think you have. You weren't city manager then, were
25 you?

1 A. No, sir. I was -- unfortunately, I was
2 away.

3 Q. Well, there's -- somebody signed it there
4 as city manager. Can you make out the name or the
5 signature on that?

6 A. Max Wilkes.

7 Q. Was he the previous city manager?

8 A. He was my interim city manager. I
9 appointed him as an interim when I was gone half a
10 year.

11 Q. Let me invite your attention to
12 Exhibit 18. And as you're looking at that, I want
13 you to take as much time as you need, Mr. Roberts,
14 to review these documents before you feel
15 comfortable in answering my questions.

16 This is a memo from Roy Waters, Deputy Chief in
17 the city's fire department, to Wallace Hunter, the
18 fire chief, dated February 6, 2006, concerning the
19 subject of, quote, letter to Mr. H.H. Roberts, end
20 quote. You see where it says that?

21 A. I do, yes, sir.

22 Q. Have you seen this document before today?

23 A. Yes, sir. I read this memo.

24 Q. You do what?

25 A. I've read the memo.

1 Q. Okay. I want to invite your attention to
2 the last sentence at the bottom of the memo where it
3 says, quote -- and this is Deputy Chief Waters
4 addressing Mr. Hunter -- quote, as I have
5 communicated to you on several occasions, David
6 Davis is doing an outstanding job for me and has a
7 very positive and professional attitude, end quote.
8 Do you see where it says that?

9 A. I do.

10 Q. As far as you know, sir, as the city
11 manager, is that a fair and accurate statement
12 concerning Mr. Davis and his job performance as a
13 sergeant?

14 A. As not being a first line supervisor
15 knowing his day-to-day activities, I would accept
16 the fact that the chief made an evaluation of him
17 and I would not disagree with it.

18 Q. So you don't have any information or facts
19 as the city manager to disagree with that statement
20 within the fire department that Davis is doing an
21 outstanding job and has a very positive and
22 professional attitude?

23 A. I wouldn't have any day-to-day knowledge of
24 that, no.

25 Q. When you were coming up for consideration

1 to be appointed as city manager, do you know if the
2 firefighters' local labor organization took a
3 position that you should be city manager or took a
4 position that you should not be city manager?

5 A. Sir, when I was appointed city manager in
6 2002, it was on a interim basis for 2001 by a prior
7 administration. And I was not here when the
8 appointments were made at this time. I already held
9 the position. And I assumed that by federal laws I
10 would have had my job back anyway when I returned.
11 So I do not know anything about any of that.

12 Q. Okay. So you don't know whether or not the
13 firefighters' labor association --

14 A. No, sir, I do not.

15 Q. -- supported your appointment as city
16 manager?

17 A. I do not. And when I say that, I don't
18 know whether they did or whether they didn't.

19 Q. Right. Now, I think you started to
20 indicate earlier that there was at least one
21 occasion, perhaps more, where you met with the
22 firefighters' local union and perhaps a
23 representative of the International Association of
24 Firefighters?

25 A. We met in this office here. I never went

1 to a local meeting. And I -- I think his name is
2 Malone was the first gentleman that came down here.
3 Basically, he talked with me and Mr. Davis about
4 some complaints that Mr. Davis -- or let me not say
5 Mr. Davis per se -- let me say the local union had
6 concerning staffing, morale, equipment, and things
7 of that nature.

8 At that time, I pretty much was emphatic that
9 Sergeant Davis should go to his fire chief and
10 discuss those issues with him, which was at that
11 time Chief Prater. They had that meeting.
12 Basically, I don't think it was a good outcome.

13 Q. Okay. Before we get to the follow-up
14 meeting, let's go back to the earlier meeting that
15 you say you had in this building with Mr. Davis and
16 Mr. Malone from the IAFF.

17 A. And I may add, I believe Mr. Dennis Duty
18 was still the president of the local at that time
19 and was in attendance as well. And my memory may
20 not be that well, you know, but I do think there was
21 more than just Sergeant Davis, myself, and Malone.

22 Q. Do you know at that time if Mr. Davis was a
23 vice-president of the local firefighters' union?

24 A. I would have to say I did. I mean, that
25 would make sense.

1 Q. And, I guess, did they call you up ahead of
2 time and say, Mr. Roberts --

3 A. Yes, sir, they did.

4 Q. -- we would like to come over, have a
5 meeting?

6 A. Yes, sir.

7 Q. You agreed and scheduled the meeting, then
8 came and you sat here; is that correct?

9 A. That's right.

10 Q. Did they give you any documents at that
11 time, any proposals? Or was it just --

12 A. Yes, sir. I'm going to use the word
13 laundry list, because that's basically what it was,
14 some things that they felt needed to be addressed
15 within the fire department.

16 Q. And roughly how long was the meeting?

17 A. Probably less than an hour. Right around
18 an hour.

19 Q. Okay. And how did the meeting end up as
20 you recall?

21 A. I thought it was on a pretty positive note.

22 Q. Did they raise some issues that you thought
23 should be addressed and resolved?

24 A. And I believe that the issues they brought
25 up have been addressed and some are still pending.

1 Q. Can you remember, as an example, some of
2 the issues that they raised in this meeting that you
3 felt were legitimate and should be looked into and
4 addressed?

5 A. Well, there's been a couple of things
6 that's been brought up. The 8-hour shifts for one.
7 I have personally felt that a 8-hour shift or a
8 12-hour shift or Panama shift may have worked better
9 than a 24-hour shift. Some fire departments do
10 that. After research and finding out, we found that
11 we were wrong on an 8-hour shift. Had nothing to do
12 with anything else.

13 Then I looked at a 12-hour Panama shift like
14 they have some of these police officers work. That
15 probably would not work as well as what we've got
16 now, so we chose to keep the shift structure as it
17 is now. So I felt like that portion of their agenda
18 was addressed.

19 Q. Okay. Anything else that you can remember,
20 issues they raised that you --

21 A. Equipment. I think that -- the equipment
22 issue or the safety problems.

23 Q. Safety of the firefighters you mean?

24 A. Yes. I'm talking about the breathing
25 apparatuses and vehicles themselves, the fire